

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF NURSING**

IN RE:)
CYNTHIA ANN NELSON) Docket No: NU 02-0704
License No. 025-0008478)

STIPULATION AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, through State Prosecuting Attorney, Edward G. Adrian, and the Respondent, Cynthia Ann Nelson, L.P.N., who stipulate and agree as follows:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §§129(a) and 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing; Rules of the Office of Professional Regulation.

Facts

2. The Respondent, Cynthia Ann Nelson, is licensed in the State of Vermont as a Licensed Practical Nurse under License Number 025-0008478.
3. The Respondent's license was originally issued on March 22, 2004 and the Respondent's license is currently set to expire on January 31, 2006.
4. At all times relevant, the Respondent was employed as an L.P.N. by the Gil Odd Fellows Home located in Ludlow, Vermont.
5. On or about April 17, 2004, the Respondent failed to change and apply a new Duragesic patch to Resident F.K. as prescribed.
6. On or about April 21, 2004, the Respondent failed to transcribe a physician's order changing a Resperidol order for Resident M.C. into the medication administration record.
7. On or about May 8, 2004, the Respondent failed to apply a Duragesic patch to Resident W.R. as prescribed.

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Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

8. On or about June 21, 2004, the Respondent gave Resident R.G. two tablets of Tylenol #3 for a pain in R.G.'s chest, when R.G. had a standing order for nitro. The Respondent failed to document the reason for making the determination to administer the Tylenol #3 instead of the nitro.
9. On or about June 25, 2004, the Respondent gave Resident N.V. a tablet of Oxycodone, but signed out Percocet on the medication back-up form.
10. On or about July 10, 2004, the Respondent failed to give Resident A.C. her prescribed 5:00 p.m. medications.
11. This Stipulation is neither an admission of liability by the Respondent, nor a concession by the State of Vermont that its charges are not well founded. The Respondent agrees that if this matter went to a hearing, the State may be able to prove the factual allegations as listed above. To avoid delay, uncertainty, inconvenience, and expense of further protracted litigation, the Parties reach a full and final Stipulation as presented herein.

Charges

12. The acts, omissions and/or circumstances described above constitute grounds for discipline because Respondent violated:
 - (i) 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2); and
 - (ii) 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Understandings

13. Respondent understands that the Nursing Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
14. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced her rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.

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15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
16. Respondent is not under the influence of any drugs or alcohol at the time she signs this Stipulation and Consent Order.
17. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and Consent Order.
18. Respondent voluntarily waives her right to a contested hearing before the Board of Nursing.
19. Respondent agrees that the Order set forth below may be entered by the Board.

ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

A. The Board of Nursing hereby **CONDITIONS** Respondent's license for **A MINIMUM PERIOD OF ONE (1) YEAR** commencing with the date of entry of this Order. The **CONDITIONS** are as follows:

(1) Re-issue of License.

Upon the imposition of these conditions, Respondent shall be issued a license labeled "conditioned".

(2) Length of Time Conditions Imposed.

The conditions shall remain in place until Respondent has completed all conditions ordered. Respondent shall be subject to the conditions until Respondent completes a total of **one (1) year** of supervised nursing practice in which she works at least forty (40) hours every two (2) weeks as a nurse. Part time hours of less than forty (40) hours every two (2) weeks shall be credited on a prorated basis. The Respondent is prohibited from working more than forty (40) hours per week.

(3) Medication Administration Course.

Respondent must complete (i.e.: receive a passing grade, if applicable) a course focusing on medication administration with prior approval by the Board or its designee, and then submit written documentation (certificate of completion, etc.) to verify same to the satisfaction of the Board or its designee. Respondent shall complete this course within three (3) months of the date of entry of this Order.

(4) Notification to Employers/Nursing School.

Respondent shall provide a copy of this Stipulation and Consent Order to all employers in any current or future setting during the conditioned period in which Respondent practices as a nurse and inform them of Respondent's conditional license status. Within ten (10) days of the date of entry of this Consent Order or of any

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subsequent nursing employment, Respondent shall cause Respondent's immediate supervisor to write to the Board, on the employer's letterhead, acknowledging receipt of the Stipulation and Consent Order and the ability to comply with the conditions in the Consent Order.

In the event Respondent is attending a nursing program which has a clinical portion which involves actual patient care, she shall provide a copy of the Stipulation and Consent Order to the Program Director. Respondent shall cause the Program Director to write to the Board, on school letterhead, acknowledging receipt of the Stipulation and Consent Order and ability of the program to comply with its conditions during clinical experience.

(5) Reports from Employers/Nursing School.

Within one (1) month of the date of entry of this Stipulation and Consent Order or within one (1) month of the commencement of nursing employment, and monthly thereafter for the period the conditions are in place, Respondent shall cause every nursing employer Respondent has worked for during the month to submit to the Board an evaluation of Respondent's performance and attendance during that month. This report shall be submitted in writing on forms issued by the Board.

In the event the Respondent is attending a nursing program, Respondent shall cause the Program Director to submit to the Board, on a monthly basis, a written evaluation of her performance and attendance. This report shall be submitted in writing on forms issued by the Board and accompanied by a cover letter on the school's letterhead.

(6) Practice Under Supervision.

Respondent shall practice only in a setting where Respondent has direct supervision for the entire shift by a registered nurse that is licensed and in good standing.

(7) Types of Employment Prohibited.

Respondent shall not work as a supervising nurse, with the exception of supervising LNAs and other unlicensed assistive persons. Respondent shall not work for a nurse registry, traveling nurse agency, float-pool, home health care agency, temporary nursing employment agency, or as a personal care provider during the effective period of this Consent Order.

(8) Notification of Place of Employment/ Personal Address/Telephone Number.

Within five (5) days of the date of entry of this Consent Order, Respondent shall notify the Board, in writing, of her current place of employment, personal address, and telephone number. Respondent shall further notify the Board, in writing, within forty-eight (48) hours of any change in Respondent's employment, personal address, or telephone number.

(9) Notification to Other States.

In the event that the Respondent is licensed as a nurse in any other state(s), she must inform the licensing board of the state(s) in which the Respondent is licensed of

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the conditional status of her Vermont license within thirty (30) days of the date of entry of this Order. If the Respondent fails to provide such notification, it will be considered a violation of this Order.

(10) License Renewal.

If the Respondent's license expires while this Order is still in effect, this Order does not automatically extend the license. In that situation, in order to continue to practice nursing, the Respondent must timely apply for renewal, pay the applicable fee and demonstrate that he has otherwise complied with the requirements for license renewal.

(11) Costs.

The Respondent shall bear all costs of complying with this Consent Order.

(12) Violation of this Order.

If the Respondent violates the terms of this Order in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may rescind or modify this Order and impose additional appropriate disciplinary actions. If a complaint of unprofessional conduct is made against the Respondent during the term of this Order, this Order shall be automatically extended until the unprofessional conduct matter is concluded.

(13) Completion of Conditional License Period.

After the conditional license period, the Respondent may petition the Board to remove any and all conditions on her license. The Respondent must present proof that she has fully complied with the terms of this Order.

B. Notwithstanding any provision above, the Respondent must continue to meet all Nursing Board requirements for maintaining a license, license renewal and license reinstatement.

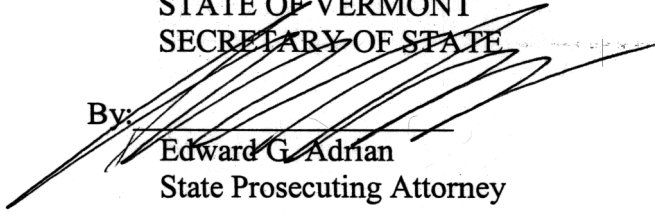
C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).

D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

Dated: 4/29/05

STATE OF VERMONT
SECRETARY OF STATE

By: 
Edward G. Adrian
State Prosecuting Attorney

STATE OF VERMONT



Prosecuting Attorney
Office of
Professional Regulation
Montpelier, VT 05602

CYNTHIA NELSON
RESPONDENT

Dated: 4-29-05

By: Cynthia A. Nelson
Cynthia Nelson

APPROVED AND SO ORDERED: VERMONT BOARD OF NURSING

Dated: May 9, 2005

By: Susan Farrell
Chairperson

Date of Entry: 5/12/05

nu.nelson.stip

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SECRETARY OF STATE
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BOARD OF NURSING**

IN RE:

CYNTHIA ANN NELSON

License No. 025-0008478

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Docket No: NU 02-0704

SPECIFICATION OF CHARGES

NOW COMES the State of Vermont and makes the following Charges against the Respondent, Cynthia Ann Nelson, L.P.N.:

Board Authority

1. The Vermont State Board of Nursing ("the Board") has authority to issue warnings or reprimands, suspend, revoke, limit, condition current licenses, or prevent the renewal of lapsed licenses if, after disciplinary hearing, the Board finds that the Respondent has engaged in unprofessional conduct. 3 V.S.A. §§129(a) and 129a; 3 V.S.A. §814(d); 26 V.S.A. §1582(a); Administrative Rules of the Board of Nursing; Rules of the Office of Professional Regulation.
2. Failure to comply with the provisions of state statutes or rules governing the practice of the profession is unprofessional conduct upon which the Board can base disciplinary action. 3 V.S.A. §129a(a)(3).
3. The inability to practice nursing by reason of any cause is unprofessional conduct upon which the Board can base disciplinary action. 26 V.S.A. §1582(a)(3).
4. The inability to practice nursing competently includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2).

Facts

5. The Respondent, Cynthia Ann Nelson, is licensed in the State of Vermont as a Licensed Practical Nurse under License Number 025-0008478.
6. The Respondent's license was originally issued on March 22, 2004 and the Respondent's license is currently set to expire on January 31, 2006.
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8. On or about April 17, 2004, the Respondent failed to change and apply a new Duragesic patch to Resident F.K. as prescribed.
9. On or about April 21, 2004, the Respondent failed to transcribe a physician's order changing a Risperidol order for Resident M.C. into the medication administration record.
10. On or about May 8, 2004, the Respondent failed to apply a Duragesic patch to Resident W.R. as prescribed.
11. On or about June 21, 2004, the Respondent incorrectly gave Resident R.G. two tablets of Tylenol #3 for pain, when R.G. had an order for nitro and should have been given this instead.
12. On or about June 25, 2004, the Respondent incorrectly gave Resident N.V. a tablet of Oxycodone instead of the prescribed tablet of Percocet.
13. On or about July 10, 2004, the Respondent failed to give Resident A.C. her prescribed 5:00 p.m. medications.
14. On or about July 10, 2004 and again on July 11, 2004, the Respondent failed to give the prescribed 7:30 p.m. dose of Risperidol to Resident M.K.
15. On or about July 10, 2004, the Respondent failed to give the prescribed 4:30 p.m. and 9:30 p.m. doses of Oxycodone to Resident F.D.

Charges

16. The acts, omissions and/or circumstances described above, constitute grounds for discipline because Respondent violated:
 - (i) 26 V.S.A. §1582(a)(3) (is unable to practice nursing competently by reason of any cause) which includes the performance of unsafe or unacceptable patient care pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(1), and failing to conform to the essential standards of acceptable and prevailing nursing practice pursuant to the Administrative Rules of the Board of Nursing, Chapter 4, Rule IV(II)(B)(2); and
 - (ii) 3 V.S.A. §129a(a)(3) (failing to comply with the provisions of state statutes or rules governing the practice of the profession).

Relief Requested

WHEREFORE, the license of Cynthia Ann Nelson should be revoked, suspended, reprimanded, conditioned or otherwise disciplined.

Dated at Montpelier, Vermont this 5th day of November 2004.

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SECRETARY OF STATE

By: _____

Edward G. Adrian
State Prosecuting Attorney

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